



RISK & LIABILITY: IMPORTANCE OF INSPECTING & MAINTAINING SPORTS FIELD INFRASTRUCTURE

2009 FIELD DAY SPEAKER ALAN V. DORE, MANAGER OF PARKS & CEMETERIES, CITY OF HAMILTON

The following article is taken directly from Dore's presentation notes. He spoke at our recent Fall Field Day in Brantford.

I would like to thank the Sports Turf Association for inviting me to attend and speak to my fellow turf managers about an area of the business that is often overlooked and yet is a vital component of sports turf management – the risk and liability issues that municipalities face when offering their sports fields “for rent.” If your municipality allows for the permitting of parks and more specifically, sports fields such as ball diamonds, soccer/football fields, etc., then it will generally be held by the courts to a higher “level of care” in the event of litigation. Court proceedings are usually a result of participants getting injured dur-

ing the playing of a particular sport and citing field conditions as the cause of the injury. Often, the presence or absence of negligence will be determined by the “due diligence” of the municipality as it relates to the municipality’s standards and adherence to those standards with respect to the condition of the fields users rent.

If any of you have to attend a discovery or court hearing as part of your responsibilities, you will quickly gain a first-hand understanding as to what areas a plaintiff’s solicitor will delve into – and you will appreciate the necessity of maintaining records of inspection and daily and annual maintenance logs, weather reports, etc.

These records generally become the focus of a claim and as I’m sure you are aware, the responsibility to defend the claim usually falls directly on the leadhand, sports groundskeeper or supervisor who has direct responsibility to ensure that such inspections and written documentation of usage, maintenance practices and records are kept.

It is not the most pleasant experience when one has to appear as the star witness for the municipality and give evidence under oath in support of the municipality’s defense of a claim. For those of you who have had the “pleasure,” I’m sure you can attest to and validate the

Review & Inspect

BASEBALL

Infield: home plates, bases, low spots

Outfield: turf condition, bald or low spots, water ponding areas

Irrigation System: leaking heads, low or high heads, trip hazards

Fence Lines: footings, holes in fabric, tie wraps missing, "curled-up" fence fabric, tension wires,

weeping tile on the top rail

baseline fencing

Batting Cages: fencing, gates, fence fabric, holes

Lighting Systems: poles, fixtures, anchor bolts, footings

Players Benches: gates, fencing, footings

Backstop: fence fabric, fence structure, broken welds

Home Plate: general condition, elevation, batters boxes, low spots.

Bleachers: missing or damaged seating/backboards, structural integrity (may require an engineering inspection if large stadium type bleachers)

Signage: regulatory signage in place, graffiti on signage (making them illegible)

SOCCER

Goal Posts: structural integrity, broken welds, footings

Turf Areas: low or bald spots, water ponding areas, overall turf health

Players Benches: broken or missing boards, leg ends, ground surface, fence footings

Trees: deadwood, overall health

Bleachers: missing or damaged seating/backboards, structural integrity (may require an engineering inspection if large stadium type bleachers)

Lighting Systems: poles, fixtures, anchor bolts, footings

Irrigation System: leaking heads, low or high heads, trip hazards

scrutiny that these documents receive and that the need to maintain such written/recorded documentation is critical to allow for a positive outcome.

I know most of us – especially those who work directly on sports fields – do not necessarily like the administrative side of the job. Thus, we tend to focus on the hands-on horticultural maintenance practices required as well as the daily "set up" of the fields in getting them ready for play. But, the pre-season, during season and post season inspection and documentation of horticultural maintenance practices are extremely important in supporting a legal defense. Claims can be quite costly to defend – not to mention the award a court may grant a plaintiff, particularly if it involves a catastrophic personal injury and the municipality is deemed to be at fault or negligent.

Downloads are available online at www.sportsturfassociation.com. We have posted samples of a *Sportfield Maintenance Log Sheet*, *Operations and Maintenance Deficiency Checklist* and *Capital Request and Maintenance Data Sheet*. They are ready for use in the field – or simply to compare with those you are already using. Click on Publications/Sports Turf Manager/Current Issue.

I hope I haven't scared all of you to the point that you may be considering another profession! There are steps you can take to ensure that you can successfully defend such a claim.

First, I recommend a review and documentation of your inventory of fields and field types and conducting a visual risk assessment on each field. This doesn't have to be an arduous process, but it must be complete in terms of the individual components of a particular field type. The inspection document/record should include items such as listed in the adjacent sidebar. These are some examples of components that are designed into a typical sports field that require inspection, recording of the deficiencies observed, and documentation of condition so that repairs or replacement can be followed up with in a timely manner. This process ensures compliance with the municipality's standards and provides written documentation/record retention if needed in defense of a claim.

There are also value-added benefits and efficiencies to maintaining a good risk management program as it relates to customer service inquiries and the development of both annual/operating budgets and capital budgets.

Value Added Benefits of a Risk Management Plan

1) Customer Service

The general public, and more specifically, sports user groups, often take on an "ownership" role of a particular park or field that they utilize. Thus, they are often the first ones to report a deficiency, especially in locations that do not have dedicated staff on site. It is far easier to build solid customer relations, trust within the community and respect of sports turf staff when you are able to advise a caller that

yes, the deficiency was noted by field staff on date xx and the deficiency is scheduled for repair on date xx. Or, the deficiency had been recorded on date xx and has been noted as a capital budget item in the upcoming 2010 budget year for replacement.

A pro-active approach is always preferred over a reactive one in building trust with sports user groups and the general public. It not only infers that we as sports turf professionals care, but is a very quantifiable and demonstrable way to prove we are on top of things. It further supports and advances the reputation and professionalism of the sports turf industry and the municipality.

2) Operating & Annual Budgets

The value-added benefit that a good risk management program and the data collection from inspections produce is in the allocating or defending of budget dollars – both from an operating or annual budget perspective.



Once the inventory is known (often called asset management) and the components of a park or sports field are identified – in quantitative measures – then the “art” of budget building, monitoring or defending becomes much more reliable and again, boosts the credibility of the sports turf professional. This also builds respect and trust by your managers, directors and most importantly, your councils as they generally approve annual budget allocations.

Once these components of a field are inventoried and deficiencies are captured on a regular basis, then the data begins to paint a picture. The unit costs for repair/replacement of the deficient components/units are known. Furthermore, this data begins to produce historical budget data which is a very effective and reliable tool for allocating or forecasting expenditures that are required in an annual budget. The typical unit repair costs are simply multiplied by the number of units in the inventory. Multiply this by the average number of historical deficiencies in a given budget year and you’ll produce very reliable, quantifiable measurements that are highly defensible in presentations to your respective councils at budget time. This is invaluable in building confidence with senior staff and councils and also enhances the likelihood of getting or keeping your

share of the ever increasing scarce budget dollars as municipalities scramble to meet the aging infrastructure demands of the municipality and balance the taxpayers’ ability to fund the required repairs and replacement of park assets.

3) Capital Budgets

This is another area where good risk management data can be invaluable. Most municipalities have a capital budget plan in which it is common to implement a 10 year plan or forecast so your respective park planners, designers and councils can get a picture of what park infrastructure is forecasted to be replaced in the future and how much it will cost to replace the specified assets.

Capital budgets/plans are in place to address the large planned funding expenditures that come up – either for the development and construction of new parks, major redevelopments of existing parks, or lastly, for the lifecycle replacements of existing park inventory components and/or systems. Some examples of these types of capital expenditures are the major replacement or reconstruction of ball diamonds, soccer/football fields, field house renovations, irrigation system replacements, field lighting replacements, etc.

These specific types of lifecycle replacements are very expensive. As a typi-

cal example, a Class 2 soccer field could run in the neighbourhood of \$150-220,000 or more depending on the number of components/systems that need to be replaced in any given year. Improvements along these lines can sometimes run into millions of dollars and are usually identified for replacement in a planned manner, spread over the 10 year capital budget plan. This is done to flatten annual capital costs and avoid large spikes in capital funding requirements in any given year of the 10 year plan.

Park Permits

Lastly, it is a good practice to develop a rental or park permit contract. If you already have an established one, review it periodically with your legal staff to ensure the terms and conditions are adequate in relation to the specific type of use. Also ensure that the terms or conditions of use that the user must adhere to are stated clearly and insurance requirements are noted to help the municipality in defending itself in the event of a negligence claim.

Included in the terms of the rental contract or in addition to the contract, there should be a “Rain Out Policy” that users sign to ensure they clearly understand under what weather conditions the park or fields can be utilized so as to prevent excessive damage during periods of inclement weather and to prevent injury from field conditions as a result of weather conditions.

In conclusion, the importance of establishing a good risk management plan can not be underscored. It forms the basis of good management practices and relates to risk and liability management, customer satisfaction and trust, budget management, and most importantly, supports the advancement of the sports turf profession and the professionals involved in sports turf management such as yourselves. Do yourself a favour and start evaluating your infrastructure today – in writing! ♦

